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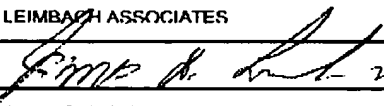
Total Number of Pages in This Submission 7

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Filing Date	10/07/2001
First Named Inventor	John P. Linnartz
Art Unit	2134
Examiner Name	Christopher J. Brown
Attorney Docket Number	NL000558

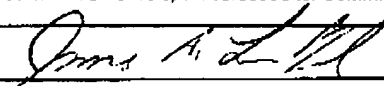
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Firm Name	LEIMBACH ASSOCIATES		
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Printed name	James D. Leimbach		
Date	November 22, 2006	Reg. No.	34,374

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND**  
**INTERFERENCES**

In re Application of  
John P. Linnartz

MULTIPLE AUTHENTICATION  
SESSIONS FOR CONTENT  
PROTECTION

Serial No. 09/982,260

Filed: October 17, 2001

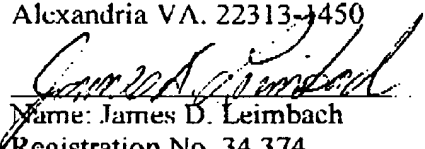
Confirmation No. 7206

Group Art Unit: 2134

Examiner: Christopher J. Brown

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Sir:

**REPLY BRIEF UNDER 37 C.F.R. § 41.41**

This paper contains a Reply Brief that is being filed under the provisions of 37 C.F.R. §  
41.41 to the Examiner's Answer mailed September 22, 2006

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### **Status of the Appealed Claims**

The Examiner's Answer mailed September 22, 2006 stated that the rejection of appealed 5 under the provisions of 35 U.S.C. §112 and the rejection of appealed claims 6 and 7 under the provisions of 35 U.S.C. §103 have been withdrawn in view of the Appcal Brief filed June 19, 2006 by the appellant. Therefore, only the Board need only consider this appeal as pertaining to claims 1-5, 8-20 that are rejected under the provisions of 35 U.S.C. §103.

### **Grounds of Rejection to be Reviewed on Appeal**

#### **The rejection of appealed claims 1, 3, 4, 9, 11-15, 17 and 19 under the provisions of 35 U.S.C. §103(a) as being obvious over *Herlin et al.* in view of *Jaisimha et al.***

The Examiner's Answer alleges that *Herlin et al.* at col. 5, lines 35-48 teach transmitting data between devices for performing an authentication session, specifically that the mobile station authenticates the base station, wherein a first key is generated. The appellant, respectfully, disagrees with this position taken by the examiner. *Herlin et al.* at col. 5, lines 35-48 teaches that an encryption key (k1) is selected (see col. 5, line 40). The examiner asserts that *Herlin et al.* teach that the first authentication session generates a first key (k1) at col. 5, lines 40. The appellant, respectfully, points out that *Herlin et al.* teach selection of a first key (k1) rather than generation.

The Examiner's Answer further alleges that *Herlin et al.* teach the generation of a second key (k2). *Herlin et al.* teach that two session keys are generated. A first key (k1) used only in the authentication process. A second session key (k2) is used in both in the authentication process and for the encrypting of subsequent communications (see col. 5, lines 1-9). The first key (k1) and the second key (k2) are selected by the mobile station and the base station, respectively, within *Herlin et al.* (see col. 5, lines 35-47). There is no generation of these keys that occurs during either a first or second sessions.

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The Examiner's Answer, asserts that *Jaisimha et al.* teach a media player and a media server that exchange audiovisual content. This is the rationale that used by the examiner in alleging that combining *Jaisimha et al.* with *Herlin et al.* to create the invention as defined by appealed claim 1.

*Jaisimha et al.* teach regulating the transmission of data (see Title). *Jaisimha et al.* teach the transmission of media data where a header portion within the media file is encoded to include an access code (see Abstract). The intent of *Jaisimha et al.* is that the access code within the header portion of the media file be used to determine if the media file can be transmitted (see col. 2, line 15-col. 4, line 10). It would be contrary to the principle of operation of *Jaisimha et al.* to provide access to media files that is gained through means other than an access code within the header portion.

*Jaisimha et al.* would be rendered unfit for its' intended purpose by allowing access to media files through the use of keys that are generated during an authentication process. *Jaisimha et al.* teach the possible encryption and decryption of the access code. There is no disclosure or suggestion within *Jaisimha et al.* for setting up multiple keys during authentication to allow transfer for the audio/visual data.

There is no disclosure or suggestion within *Jaisimha et al.* that *Jaisimha et al.* could operate with a reasonable expectation of success using keys and authentication processes. *Jaisimha et al.* do not disclose or suggest generation of keys during authentication sessions.

**The rejection of appealed claims 2, 5, 6, 7 and 16 under the provisions of 35 U.S.C. §103(a) as being obvious over *Herlin et al.* in view of *Jaisimha et al.* and further in view of Bluetooth Security Specification**

The Examiner's Answer asserts that the Bluetooth Security specification Version 1.0B teaches on the top of page 156 that a 128-bit link key is generated during initialization by a bitwise modulo-2 addition (XOR). The Bluetooth Security specification Version 1.0B teaches generation of a combination key beginning on page 155. The Bluetooth Security specification Version 1.0B clearly teaches that the combination key is generated during the initialization procedure (see first paragraph of section 14.2.2.4). The Bluetooth Security specification Version

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1.0B teaches on the top of page 156 that a 128-bit link key is generated during initialization by a bitwise modulo-2 addition (XOR). The appellant, respectfully, points out that the Bluetooth Security specification Version 1.0B clearly teaches that an authentication process is initiated after generation of the combination key. There is no disclosure or suggestion for generating a key during an authentication process by the Bluetooth Security specification Version 1.0B.

The rejection asserts that the Bluetooth Security specification Version 1.0B teaches merging to form keys. The appellant, respectfully, points out that the Bluetooth Security specification Version 1.0B does not disclose or suggest the generation of keys during authentication processes as defined by the appealed claims.

**The rejection of appealed claim 8 under the provisions of 35 U.S.C. §103(a) as being obvious over *Herlin et al.* in view of *Jaisimha et al.* and further in view of U.S. Patent No. 5,604,802 issued to Holloway (hereinafter referred to as *Holloway*)**

*Holloway* relates to a transaction processing system (see Title) and generating a transaction message that has a transaction terminal that receives characteristic data from a user that generates an image associated with the user (see Abstract). *Holloway* on col. 9, lines 45-53 teach that encryption keys retransferred between cryptographic units are enciphered using higher level keys and that the higher level keys are enciphered using a portion of the transferred key. It should be noted that there is no disclosure or suggestion for generation of keys during an authentication session by *Holloway*.

**The rejection of appealed claim 10 under the provisions of 35 U.S.C. §103(a) as being obvious over *Herlin et al.* in view of *Jaisimha et al.* and further in view of U.S. Patent No. 6,839,437 issued to Crane et al. (hereinafter referred to as *Crane et al.*)**

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*Crane et al.* relates to a method and apparatus for managing keys for cryptographic operations (see Title) and a cryptographic system for use in a data processing system that includes a security layer and a plurality of cryptographic routines, including a keystore application program interface layer coupled to the security layer (see Abstract). *Crane et al.* on col. 4, lines 13-37 teach that APIs can be used to call various keystroke functions. It should be noted that there is no disclosure or suggestion for a consumer device having an Application Programmers Interface for informing the consumer device about the protection status of another consumer device within *Crane et al.*

**The rejection of appealed claims 18 and 20 under the provisions of 35 U.S.C. §103(a) as being obvious over *Herlin et al.* in view of *Jaisimha et al.* and further in view of U.S. Patent No. 6,598,162 issued to Moskowitz (hereinafter referred to as *Moskowitz*)**

*Moskowitz* relates to a method for combining transfer functions with key creation (see Title) wherein the key is a transfer function is a mask to manipulate the granularity of the file for digital samples (see Abstract). *Moskowitz* on col. 4, lines 30-50 teach that when digital information is distributed in encoded form, it may be desirable to allow information to be played at a reduced quality. It should be noted that there is no disclosure or suggestion within *Moskowitz* for determining compliance levels by users attempting to access data.

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In summary, the examiner's rejections of the claims are believed to be in error for the reasons explained above. The rejections of each of claims 1-20 should be reversed.

The Commissioner is authorized to charge fees associated with the filing of this brief to Account No. 50-3745 including any underpayments, excluding the payment of any issue fees, and to credit any overpayments to the same account.

Respectfully submitted,



James D. Leimbach  
Attorney for Appellants  
Registration No. 34,374

Telephone: 585-381-9983  
Facsimile: 585-381-9983

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